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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,149	12/01/1999	YOKO IKEDA	501.37892X00	9942

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EXAMINER

KIBLER, VIRGINIA M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/26/2004

JJ

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/452,149

Applicant(s)

IKEDA ET AL.

Examiner

Virginia M Kibler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/04 has been entered.

Response to Amendment

2. The amendment received on 5/27/04 has been entered. Claims 1-11 remain pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3, and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said plurality of detected images" in line 11. There is insufficient antecedent basis for this limitation in the claim.

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Claim 3 recites the limitation "said detected images" in lines 11 and 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said subject image" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al. (JP 07-201946).

Regarding claims 1 and 2, Takagi et al. ("Takagai") discloses an analyzing unit, the analyzing unit including an image detection device for producing a plurality of images of a workpiece and storage means for storing the plurality of images produced by the image detection device and classification information (Para. 0013-0018, 0021); display means (terminal 311) having a screen for displaying images stored in the storage means that have not been classified (Para. 0047-0048; Drawings 5 and 6), thereby displaying unclassified images in a first area and a plurality of second areas (Drawing 7) for displaying selected classification information for initially classifying images according to features of the images (Para. 0047-0048). Takagi discloses allowing the operator to classify the unclassified images visually using the plurality of second areas (Para. 0047-0049), but does not appear to expressly recognize moving the unclassified

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images from the first area to the selected second areas to display the images in the second areas. However, Takagi discloses showing the operator the classification results visually in order to be able to check the results and make any needed modifications (Para. 0015; 0030; 0038; 0041) and also provides a mouse, thereby a means for moving, as shown in Drawings 6 and 7. While Takagi does not appear to expressly state moving the images from the first area to selected second areas, it is a standard GUI to allow images to be moved from one area to another. At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the classification of unclassified images disclosed by Takagi to include moving the unclassified images to selected second areas to classify and display. The motivation for doing so would have been because the operation of moving an image from one area to another is well known and routinely utilized and by displaying the images in the selected second area shows the operator the classification results visually thereby allowing the operator to easily check the results and make any needed modifications. Therefore, it would have been obvious to modify Takagi to obtain the invention as specified in claims 1 and 2.

Regarding claim 3, the arguments analogous to those presented above for claim 1 are applicable to claim 3. Takagi discloses providing information to the analyzing unit concerning images in the second areas of the screen (Para. 0048-0050) and controlling the production line 13 (Drawing 1) having the manufacturing apparatus arranged thereon using information obtained from the analyzing unit (0051-0058).

Regarding claims 4 and 8, Takagi et al. ("Takagai") discloses an analyzing unit, the analyzing unit including an image detection device to produce images of a semiconductor manufacturing defects of a workpiece and storage means for storing the

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plurality of images produced by the image detection device and classification information (Abstract; Para. 0013-0018, 0021); display means (terminal 311) having a screen for displaying images with unclassified semiconductor manufacturing defects (Para. 0047-0048; Drawings 5 and 6), thereby displaying unclassified images in a sorting area and a plurality of defect-classification display areas (Drawing 7) into which each image of the images may be classified according to visual manufacturing defect features contained in the image (Para. 0047-0048). Takagi discloses allowing the operator to classify the unclassified images visually using the plurality of defect-classification display areas (Para. 0047-0049), but does not appear to expressly recognize moving the unclassified images from the sorting area to the selected ones defect-classification display areas to display the images in the defect-classification areas. However, Takagi discloses showing the operator the classification results visually in order to be able to check the results and make any needed modifications (Para. 0015; 0030; 0038; 0041) and also provides a mouse, thereby a user-manipulated moving unit, as shown in Drawings 6 and 7. While Takagi does not appear to expressly state moving the images from the sorting area to selected defect-classification display areas, it is a standard GUI to allow images to be moved from one area to another. At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the classification of unclassified images disclosed by Takagi to include moving the unclassified images to selected defect-classification display areas to classify and display. The motivation for doing so would have been because the operation of moving an image from one area to another is well known and routinely utilized and by displaying the images in the selected defect-classification display area shows the operator the classification results visually

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thereby allowing the operator to easily check the results and make any needed modifications. Therefore, it would have been obvious to modify Takagi to obtain the invention as specified in claims 4 and 8.

Regarding claims 5, 6, 9, and 10, the arguments analogous to those presented above for claim 4 are applicable to claims 5, 6, 9, and 10. Note, Takagi discloses a mouse (Drawings 6 and 7), thereby a user-manipulated pointing device to point to, select and drag-and-drop.

Regarding claims 7 and 11, the arguments analogous to those presented above for claim 4 are applicable to claims 7 and 11. Takagi discloses including a memory to store predetermined information for at least ones of images including defect-classification information (Para. 0017-0021) and an adjuster unit to adjust the defect-classification information for the images to match a defect classification of the selected one of the defect-classification display areas (Para. 0030, 0048-0049).

Response to Arguments

7. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground of rejection.

Other Prior Art Cited

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,801,965 to Takagi et al. for manufacturing semiconductor devices and inspecting semiconductor devices;

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U.S. Pat. No. 6,315,569 to Zaltman for metaphor elicitation technique with physiological function monitoring; and

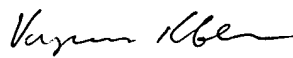
U.S. Pat. No. 6,177,287 to Steffan et al. for simplified inter database communication system.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon-Thurs 8:00 - 5:30 and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Virginia Kibler can be reached on (703) 308-4072. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Virginia Kibler
08/19/04

MEHRDAD DASTOURI
PRIMARY EXAMINER

